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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,218	03/26/2002	Alex Ruelle	11345/047001	2586

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EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,218	Applicant(s) RUELLE, ALEX	
	Examiner Phu K. Nguyen	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26, 61-65, 67, 126, 128-134, 136-139, 141-146, 148 and 149 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-26, 61-65, 67, 126, 128-133, 137-139, 141-146, 148 and 149 is/are allowed.
- 6) ☒ Claim(s) 134 and 136 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/26/02</u> . | 6) <input type="checkbox"/> Other: ____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 134 and 136 are rejected under 35 U.S.C. 103(a) as being unpatentable over DREWS et al. (5,831,615).

As per claim 134, Drews teaches the claimed "method of drawing in a window" (Drews, column 9, lines 36-42) comprising "drawing in the window and monitoring the drawing" (column 10, lines 6-12; the drawing is recorded and later, erased partly or fully); determining a window which may be affected by the drawing (Drews, column 11, lines 32-63, column 12, lines 11-12; the application (i.e., clients); e.g., Clock application, Hand-Drawing application, Annotation application, redraws its content in the transparent window when the underlying window is inactive); and "sending a signal instructing a client of the window which may be affected to redraw at least part of that window" (Drews, column 4, line 61 to column 5, line 1; the processor 1002 sends out the control signals for the drawings of overlapped transparent windows); the method being carried out by a receiver/decoder (Drews, Interface device for receiving/transmitting associated with the coded signals on network, column 5, lines 11-14). It is noted that Drews does not explicitly teach, "so that drawing affecting an overlaying window can be corrected".

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However, Drews' edition of the annotation drawings (Drews, column 10, lines 6-12; the drawing is recorded and later, erased partly or fully) suggests the sending signal from the processor 1002 to edit the annotation drawing. Furthermore, Drews' cursor control device allowing the user to dynamically signal the 2D movement of the visual symbol on a display screen shows the amended feature "the signal is sent following each drawing operation" (Drews, the control signals associated with the processor 1002 - column 4, line 61 to column 5, line 1). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Drews' method as claimed because the sending edition signal from the central processor improves the flexibility of the annotation drawing through the demonstration of correction the object's lines.

Applicant's arguments filed August 3, 2005 have been fully considered but they are not deemed to be persuasive for claim 134. Drews' cursor control device, which dynamically signals the 2D movement of the visual symbol, implies the notification of the processor after each operation. Examiner interprets the phrase "dynamically signal" as sending a notice after performing an operation. Therefore, Drews' cursor control device, which dynamically signals the 2D movement of the visual symbol, implies "the signal is sent following each drawing operation. Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Claim 136 adds into claim 135 "the sending of a signal is suppressed in dependence on the information" which Drews does not explicitly teach. However,

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Drews' updating of re-drawn window is withhold a number of times (column 12, lines 12-16, yielding the drawing of transparent window when the underlying window is active) suggests the suppression of the signal to redraw the window depend upon the number of withholds of update step. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Drews' method as claimed because the suppression of the update signal improves the rendering speed in case of many updated applications through the skip of performing non-essential operation.

Claims 22-26, 61-65, 67, 126 and 128-133, 137-139, 141-146, 148-149 are allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, bipin Shalwala can be reached on (571) 272 7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
October 4, 2005


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300